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Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/489,974

01/24/00

SUGIYAMA

M

USUI-12G

IM22/1102

Gerald E. Hespos
Casella & Hespos
274 Madison Avenue
Suite 1703
New York NY 10016

EXAMINER

COY, N

ART UNIT

PAPER NUMBER

1742

Handwritten number 7

DATE MAILED:

11/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

IM22/1102

Gerald E. Hespos
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New York NY 10016

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/489,974	01/24/00	005	COY, N	1742 11/02/00
First Named Applicant	SUGIYAMA,	35 USC 154(b) term ext. =	0 Days.	

TITLE OF INVENTION BRAZING FILLER METAL SUPERIOR IN CORROSION RESISTANCE AND HEAT RESISTANCE, AND EGR COOLER BRAZED WITH SAID BRAZING FILLER METAL

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 USUI-126	420-442.000	U49	UTILITY	NO	\$1240.00	02/02/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.

09/489,974

Examiner

Nicole Coy

Applicant(s)

SUGIYAMA, MOTOHARU

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

1. ☒ This communication is responsive to amendment of 9/19/00.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☐ The drawings filed on _____ are acceptable.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☒ None of the CERTIFIED copies of the priority documents have been
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number). _____
3. ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office Action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be available under the provisions of 37 CFR 1.136(a).

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☒ Applicant MUST submit NEW FORMAL DRAWINGS
- (a) ☐ because the originally filed drawings were declared by applicant to be informal.
- (b) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No. _____
- (c) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
- (d) ☐ including changes required by the attached Examiner's Amendment / Comment.


Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 4 ☐ Interview Summary (PTO-413), Paper No. _____
- 6 ☒ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other


Daniel J. Jenkins
Primary Examiner

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gerald Hespos on October 24, 2000.

The application has been amended as follows:

In claim 1, line 2, delete "(" after Cr;

In claim 1, line 2, delete ")" after 30 wt%;

In claim 1, line 2, delete "(" after P;

In claim 1, line 3, delete ")" after 10 wt%;

In claim 1, line 3 delete "(" after Si;

In claim 1, line 3 delete ")" after 7 wt%;

In claim 1, line 3 delete "(remainder)" after Ni and insert --remainder-- before Ni;

In claim 2, line 5, delete "(" after Cr;

In claim 2, line 5, delete ")" after 15 wt%;

In claim 2, line 5, delete "(" after P;

In claim 2, line 5, delete ")" after 12 wt%;

In claim 2, line 5 delete "(remainder)" after Ni and insert --remainder-- before Ni;

In claim 4, line 2, delete "(" after Cr;

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In claim 4, line 2, delete ")" after 29.7 wt%;

In claim 4, line 3, delete ")" after 10.3 wt%;

In claim 4, line 3 delete "(" after Si;

In claim 4, line 3 delete ")" after 6.9 wt%;

In claim 4, line 3 delete "(remainder)" after Ni and insert --remainder-- before Ni.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: The closest prior art, Sexton et al., does not disclose a brazing Ni alloy consisting essentially of Cr, P and Si in combination with the weight percent of Cr being 23.9 % to 30 wt %. The prior art teaches brazing Ni alloys with the further inclusions of elements such as boron and iron and there is not motivation in the prior art to remove these elements. Furthermore, Sexton et al. discloses 0 to 19 at % Cr (0 to 24 wt %). There is no motivation in the prior art to increase the amount of Cr in a brazing Ni alloy. Thus, since it is not taught nor is there motivation in the prior art to eliminate boron and iron and increase the wt % of Cr, claims 1-5 are found allowable.

Support for applicant's amendments regarding the compositional range of chromium in claims 1 and 4 are found in the specification on page 11, line 24 and page 14 line 3, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

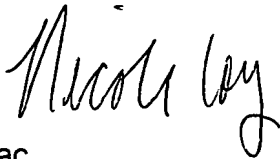
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Coy whose telephone number is (703)308-3860.


The examiner can normally be reached on Monday-Friday 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (703)308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3599 for regular communications and (703)305-7719 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0651.



nac
November 1, 2000

ROY V. KING 
PRIMARY EXAMINER
NOV 1 2000